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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,884	04/17/2004	Kevin L. Bixler	350p-Bixler	1434
7590	12/15/2005		EXAMINER TON, ANABEL	
Barber Legal PO Box 16220 Golden, CO 80402-6004			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/826,884	BIXLER ET AL.	
	Examiner	Art Unit	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-29 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 1-5 is withdrawn in view of the newly discovered reference(s) to Huang and further in view of Kovacs. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovacs (6,811,283) and further in view of Huang (2003/0016544).

3. With regards to the term "spires", the icicle shaped body of Kovacs is considered to be an equivalent structure to the spire of the instant invention as claimed since the icicle shaped structure satisfies the definition of a spire. Kovacs teaches the limitations of the instant invention except for the recitation of the generally spherical hollow core having a plurality of sockets and a plurality of faceted light passing spires extending radially from the core. Kovacs teaches an electrical cord having a plug at a first end (12), the electrical cord terminating at least one light source at the second end (34); a generally spherical hollow core having a shell having a socket there through and having disposed therein a light source (30,32), a faceted light passing spire extending from the

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core (41,42,44), the spire physically connected to the socket (figs 5, 6). Huang teaches a spherical core (40) with a light source therein (44) and cylindrical light passing rods being physically attached to sockets provided in the spherical core (fig 2 and 3, 50) an electrical cord with a plug at one end (15) the electrical cord terminating at least one light source at a second end (fig 3), the cylindrical light passing rods extending radially from the core and spaced apart from one another on the exterior of the shell of the hollow core (figs 2-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Huang's multiplicity of cylindrical light rods extending from a spherical core in the device of Kovacs and substitute the cylindrical light rods of Huang for a multiple amount of Kovacs's spires/icicle shaped body members since Huang teaches of the decorative advantages of having the cylindrical light rods connected to a center core that provides light to and through the cylindrical light rods to create a decorative illuminated device that emits light 360 degrees from the center so that the decorative device can be viewed in all directions. Furthermore, to modify Kovacs device to include the decorative structure of Huang would be purposeful to facilitate hanging of the device as taught by Kovacs.

- Each of the plurality of light passing spires is furthermore hollow and has an irregular generally cylindrical shape (Kovacs).
- The plurality of light passing spires extend from the core in at least two dimensions (Kovacs).
- The core further comprises an interior which reflects light (although Huang does not specifically disclose a reflective surface, inherently all surfaces

reflect light unless disclosed otherwise, this case the interior surface of the core of Huang is considered be a surface that reflects light); the core further comprises a first portion which may be removed to allow access to the light source (Huang 40, fig 5, Kovacsfigs5, 6).

Allowable Subject Matter

4. Claims 6-29 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: Applicant's arguments with regards to the differences in structure between the cited prior art of record and the instant invention have been persuasive, the prior art of record does not teach a plurality of lenses, at least one lens disposed so as to focus light from the light source up at least one of light passing spires (the lens of Kovacs provides a coloring effect and does not teach nor show a focusing of the light); nor does the prior art teach the fiber optic bundle as taught in claim 29 located within the spires, although Wang does disclose the rods to be hollow light guides, the distinction between the instant invention and the prior art is that the fiber optic bundle is a separate structure from the spire as taught by the instant invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800